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8 Attorneys for Defendant,

9 ALBERTSON'S, LLC

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 CATHI BROOME, an individual,

13 Plaintiff,

CASE NO.: 2:14-cv-02157-RFB-GWF

14 v.

15 ALBERTSON'S, LLC, a foreign
16 corporation d/b/a Albertson's; DOES I
17 through X; and ROE
18 CORPORATIONS I through X,
19 inclusive,

Defendants.

20 **STIPULATION AND ORDER FOR EXTENSION/MODIFICATION OF DISCOVERY**
21 **PLAN AND SCHEDULING ORDER**
22 **(SECOND REQUEST)**

23 Plaintiff, CATHI BROOME, and Defendant, ALBERTSONS, LLC, by and through
24 their undersigned counsel, submit to the Court the following Stipulation and Order for
25 Extension/Modification of the Discovery Plan and Scheduling Order pursuant to LR 26-4 (a)
26 and to Court Order Document No. 10.

27 **I. Local Rule 6-1**



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Under LR 6-1(b) every stipulation to extend time must inform the court of any previous extensions granted and state the reason for the extension requested.

A. The Requirement of Local Rule 6-1 Are Satisfied

This is the Second request for extension filed by the parties. This extension is requested so that Defendant may continue to compile Plaintiff's medical records both allegedly related to this matter's subject incident and her pre-incident injuries and treatment. Additionally, Defendant has retained a medical expert who is currently reviewing Plaintiff's medical records and will be providing an expert report. Finally, an FRCP Rule 35 Examination may be necessary, depending on the opinions contained in the forthcoming Medical Records Review.

II. Local Rule 26-4(a)

Under LR 26-4 (a) a statement specifying the Discovery completed:

Both Plaintiff and Defendant have exchanged their initial documents and witness disclosures, with supplements thereto. Additionally, both Plaintiff and Defendant have exchanged and responded to written discovery requests. Defendant has subpoenaed Plaintiff's various disclosed medical providers, but is still awaiting responses from at least two (2) of Plaintiff's known treating providers. Plaintiff's deposition was completed on February 24, 2015.

III. Local Rule 26-4(b)

Under LR 26-4(b) a specific description of the Discovery that remains to be completed:

The remaining Discovery to be completed involves initial and rebuttal expert disclosures, initial and rebuttal experts depositions, Plaintiff's treating providers, Defendant's 30(b)(6) witness(es) and designated fact witnesses. Additionally, Defendant is still awaiting



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1 responses from at least two (2) remaining providers. Defendant is also awaiting its medical
 2 expert's medical records review and report. Lastly, Defendant will potentially request an
 3 FRCP Rule 35 exam upon receipt and confirmation of Plaintiff's complete pre- and post-
 4 incident treatment history.

5
 6 **IV. Local Rule 26-4(c)**

7 Under LR 26-4(c) the reasons why Discovery remaining was not completed within the
 8 time limits set by the Discovery Plan:

9 Defendant had delayed responses to subpoenas from at least three (3) of Plaintiff's
 10 known treating providers, and is still awaiting responses from at least two (2) remaining
 11 providers. Defendant has been diligent in attempting to secure responses to all its subpoenas,
 12 however, two (2) responses to these subpoenas are still outstanding. Additionally, due to the
 13 delayed subpoena responses from Plaintiff's medical providers, Defendant was forced to
 14 delay the submission of these records to its medical expert for review. As a result,
 15 Defendant's medical expert has yet to complete his medical records review and
 16 accompanying report. Finally, due to the existence of possible pre-existing medical
 17 conditions, an FRCP Rule 35 Exam may be necessary, which has yet to be scheduled.
 18
 19

20 **V. Local Rule 26-4(d)**

21 Under LR 26-4(d) a proposed schedule for completing all remains Discovery:

- 22 (i) Discovery cutoff dates: Extend the current Discovery cutoff date from August
 23 17, 2015 to a Discovery cutoff date of October 16, 2015;
 24
 25 (ii) Expert witness disclosures from June 18, 2015 to a new date of August 17, 2015;
 26 (iii) Rebuttal expert witness disclosures from July 17, 2015 to September 18, 2014;



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- (iv) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed) to be extended to December 18, 2015;
- (v) Interim Status Report from June 18, 2015 to a new date of August 17, 2015; and
- (vi) Final date to file Dispositive Motions extended from September 16, 2015 to November 16, 2015.

Therefore, good cause existing, counsel jointly request that this Honorable Court allow them the above proposed extended Discovery dates.

DATED this 21st day of May, 2015.

**LAW OFFICE OF BENJAMIN NADIG,
CHTD.**

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/s/ Ben Nadig, Esq.

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IT IS SO ORDERED.



U.S. Magistrate Judge

Dated: May 22, 2015



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